

REMARKS

Claims 19-59 are pending. Claims 1-18 have been canceled in connection with the election requirement made without traverse during a telephone conversation on December 5, 2003. No new matter has been introduced. Reexamination and reconsideration of this application is respectfully requested.

In the May 13, 2004 Office Action, the Examiner rejected claims 19, 22-27, 29-42, 44-51, 53, 55, 56, and 58 under 35 U.S.C. §102(e) as being by anticipated by U.S. Patent No. 6,345,294 to O'Toole ("the O'Toole reference"). The Examiner rejected claims 20, 21, 28, 43, 52, 54, 57, and 59 under 35 U.S.C. § 103(a) as being unpatentable over the O'Toole reference in view of U.S. Patent No. 5,968,126 to Hubacher ("the Hubacher reference"). The Examiner's rejections and objections are respectfully traversed.

Embodiments of the present invention are directed to methods and systems for client computers obtaining service from a management server. A client sends a request for service to a management agent. The management agent forwards the request for service to a management server via Hypertext Transfer Protocol (HTTP). The management server sends service information via HTTP to the management agent. The management agent then forwards the service information to the client. As such, the client may receive service even where network nodes, such as switches and routers, intervene between the client and management server. Claim 19 recites: A method for obtaining service from a management server, comprising:

sending, by a client to a management agent, a request for service from a management server;

forwarding, by the management agent to the management server, the request for service via Hypertext Transfer Protocol (HTTP);

sending, by the management server to the management agent, service information via HTTP; and

forwarding, by the management agent to the client, the service information.

The O'Toole reference is directed to a network appliance capable of remote booting and obtaining its configuration information from a source located far away. The network appliance can be shipped to a business location or office environment without requiring a local boot server in that location or environment and without requiring the presence of a person who is familiar with and highly skilled in configuring the appliance.

The invention allows for booting and the obtaining of configuration information, and therefore allows for the functioning of the appliance, regardless of whether there is a local server in the local area network environment, such as a DHCP server or a boot server, that has been set up and configured to provide to the appliance the booting information it requires.

In the May 13, 2004 Office Action, the Examiner states that O'Toole reference teaches all of the elements recited by claim 19 in the present application. The Examiner says that O'Toole discloses a method for obtaining service from a management server, comprising:

sending by a client to a management agent, a request for service from a management server (Col 7, lines 40-46);

forwarding, by the management agent to the management server (col 10, lines 58-62), the request for service via Hypertext Transfer Protocol (HTTP) (col 10. lines 58-

62);

sending, by the management server to the management agent (col 10, lines 58-62), service information via HTTP (col 10, lines 58-62); and

forwarding by the management agent to the client, the service information (col 10, lines 58-62).

Firstly, the O'Toole reference does not disclose "forwarding, by the management agent to the management server, the request for service via Hypertext Transfer Protocol (HTTP)" at col 10, lines 58-62. At Col 10, lines 58-62 the O'Toole reference states:

"Another possibility is to encode the message into a URL and send it as an HTTP request either directly the registry or via a proxy server, which is likely to be the capable of handling such messages and forwarding them to the registry."

As is well known, a registry and a management server serve two separate purposes. A registry simply catalogs whether a certain client has certain applications and/or operating systems. A registry by itself cannot actively manage a client. It cannot service a client. The specification of the present invention states that "a request for service may relate to a service supported by management server 530 such as installing an operating system or an application program, or providing diagnostic, upgrade, or system recovery service or services.." (Doherty, paragraph 0035). A registry cannot provide these type of services and thus the forwarding by a proxy server "a message" to the registry is not the same as forwarding a request for service to a management server. Additionally, at O'Toole, column 10, lines 27-29, it is clear that the "messages"

sent to the registry are "boot status messages." Boot status messages are exactly the type of messages a registry will receive as the registry "registers" whether a client has certain applications/operating systems, how long the device has been off-line, etc. A boot status message is not a request for service such as the installation of applications and or operating systems. If the Examiner believes O'Toole teaches that boot status messages are indeed the same as a request for services, he is respectfully requested to cite to a particular paragraph stating as much. In the alternative, the Examiner is respectfully requested to withdraw the rejection of claim 19.

Secondly, O'Toole at column 10, lines 58-62 does not disclose "sending, by the management server to the management agent, service information via HTTP" as stated by the Examiner. Nothing in this passage discloses the management server relaying any information back to the management agent, let alone by doing so via HTTP. Additionally, the same points regarding the difference between a registry and a management server as discussed above are applicable here. In fact, nowhere in the O'Toole disclosure is the concept of sending service information (as service is defined above), by a management server, via HTTP discussed. Thus, the Examiner is respectfully requested to withdraw the rejection of claim 19.

Thirdly, O'Toole at column 10, lines 58-62 does not teach, suggest, or disclose "forwarding by the management agent to the client, the service information." This passage simply has no discussion of a management agent forwarding service information (as service is defined above) to the client. Thus, the Examiner is respectfully requested to withdraw the rejection of claim 19.

The Examiner rejected claims 25, 30 and 36 stating that "O'Toole discloses the

request comprises a DHCP or a BOOTP request (column 7, lines 39-46). However, this O'Toole passage refers to a client computer requesting network parameters from a boot server or a DHCP server. This is in obvious contrast to the "messages" sent to the Registry at column 10, lines 58-62. DHCP and BOOTP requests cannot be sent to a Registry (even in the O'Toole reference such messages are being sent to the boot and/or DHCP server, not to a registry). Furthermore, the selected O'Toole passage does not teach, suggest, or imply that the DHCP or BOOTP request would be sent and delivered via HTTP as specified by the independent claims from which these claims depend. The use of HTTP for these requests is not taught because in O'Toole the DHCP server is in the local networking environment (which would not need to have information transferred via HTTP). Thus, the Examiner is respectfully requested to withdraw the rejection of claims 25, 30, and 36.

The Examiner rejected claims 27, 40, 45, and 50 stating that "O'Toole discloses the service includes one of installing an operating system or application program and providing diagnostic, upgrade, or system recovery service (col 5, lines 55-57 and col 3, lines 13-20). The cited O'Toole passages do not contain such disclosures. At column 5, lines 55-57, O'Toole discloses:

"In the implementation below, SODA appliances are inexpensive PC's running the Linux operating system."

At column 3, lines 13-20, O'Toole discloses:

"If the network appliance breaks, is moved, or has to be replaced, there is no need for anybody to take the configuration saved in a desk drawer or elsewhere and to put the configuration back in the appliance, which is A

(sic) especially important if there is a discrepancy in the configuration of the network appliance because someone in the meantime changed the configuration but hadn't updated the backup copy."

At no point in these passages does O'Toole disclose that the installing of an operating system or application program and providing diagnostic, upgrade or system service via HTTP as required by the present claims (when read in light of the independent claims from which they depend). Simply because a computer operates on Linux does not mean that Linux was installed via HTTP. Furthermore, a registry is not the type of system that would install Linux, rather it would be the system that would tell a management computer that Linux is the operating system that should be installed. However, nothing in O'Toole discloses that such an operating system will be sent via HTTP.

The Examiner rejected claims 20, 21, 28, 43, 52, 54, 57, and 59 as being unpatentable over O'Toole in view of the Hubacher reference stating that the Hubacher reference discloses a management server that comprises a preexecution boot environment (PXE) server. However, O'Toole never teaches, suggest, or discloses a management server being sent requests via HTTP or answering the requests via HTTP. O'Toole discloses a registry being sent requests via HTTP. A registry and a management server, as discussed above are not the same and serve two different purposes. A PXE server is not a registry. Thus it cannot be combined with O'Toole in the fashion that the Examiner has combined them.

Furthermore, it is respectfully submitted that it would not have been obvious to one skilled in the art to combine the teachings of the O'Toole reference and the

Hubacher reference, as suggested by the Examiner. It is well settled that a reference must provide some motivation or reason for one skilled in the art (working without the benefit of Applicants' specification) to make the necessary changes in the disclosed device. The mere fact that a reference may be modified in the direction of the claimed invention does not make the modification obvious unless the reference expressly or implicitly teaches or suggests the desirability of the modification. In re Kotzab, 55 U.S.P.Q.2d 1313, 1317-18 (Fed. Cir. 2000); In re Fitch, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992); In re Mills, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990).

The cited references, i.e., the O'Toole and Hubacher references, fail to meet the basic requirement for a finding of obviousness established by the courts in Kotzab, Fitch, and Mills. There is no suggestion in any of the references of modifying the devices disclosed therein in the direction of the present application, nor is there any suggestion of the desirability of such modification. There is no suggestion that one could substitute the registry in O'Toole for the PXE server in Hubacher. As stated, the two systems operate for different reasons in different ways, and neither reference suggests substituting one for the other. Thus, the Examiner is respectfully requested to withdraw the rejections of claims 20, 21, 28, 43, 52, 54, 57, and 59.

Independent claims 22, 26, 29, 31, 37, 39, 41, 47, 53, 55, and 58 all recite limitations similar to independent claim 19. Thus, Applicants submit that the rejections of such claims are overcome for the same reasons the rejection of claim 19 is overcome. Claims 20-21 depend directly from independent claim 19, claims 23-25 depend directly from independent claim 22, claims 27-28 depend directly or indirectly from independent claim 26, claim 30 depends directly or indirectly from independent

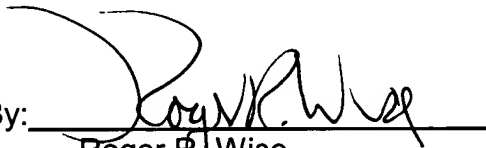
claim 29, claims 32-36 depend directly from independent claim 31, claim 38 depends directly from independent claim 37, claim 40 depends directly from independent claim 39, claims 42-46 depend directly or indirectly from independent claim 41, claims 48-52 depend directly or indirectly from independent claim 47, claim 54 depends directly from independent claim 53, claims 56-57 depend directly from independent claim 55, and claim 59 depends directly from independent claim 58. Thus, Applicants submit that the rejections of all claims are overcome for the same reasons the rejection of claim 19 is overcome.

Applicants believe that the foregoing amendments place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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Date: August 24, 2004

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